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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/06/2000

Mark Cheng

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EXAMINER

BOAKYE, ALEXANDER O

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/610,749	Applicant(s) CHENG ET AL.	
	Examiner ALEXANDER BOAKYE	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 and 9-27 is/are allowed.
- 6) ☒ Claim(s) 1,7,28,31 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 2,3,8,29,30,32,33,37 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 28, 31, 34, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al. (US Patent # 6,654,422) in view of Drynan et al. (US Patent # 4,617,657).

Regarding claims 1, and 7, Khan teaches a method for communicating between a first device and a second device using at least one variable parameter, the method comprising the steps of: transmitting a message from the first device to the second device, the message including information indicating a length of a sequence number field included in each of a plurality of transmission frames (column 1, lines 12-24 ; the claimed first device corresponds to transmitter block 10 of Fig. 1 and the second device reads on receiver block 20 of Fig. 1); receiving the message at the second device (column 1, lines 35-37; column 4, lines 22-27); transmitting the plurality of transmission frames from the first device(column 1, lines 12-14) ; receiving the plurality of transmission frames at the second device (column 1, lines 35-37). Khan differs from

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the claimed invention in that Khan does not disclose storing information in the second device and processing each sequence number field. However, Drynan discloses storing information in the second device and processing each sequence number field (column 4, lines 29-36). One of ordinary skill in the art would have been motivated to incorporate storing and processing each sequence number into the communication network of Khan in order to prevent overflow. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate storing information in the second device and processing each sequence number field such as the one taught by Drynan into the communication network of Khan with the motivation being that it provides system performance.

Regarding claims 28 and 31, Khan teaches receiving a message at the mobile station (the claimed mobile station reads on receiver block 20 of Fig. 1) the message comprising information indicating the length of a sequence number field included in each of a sequence of transmission frames (column 4, lines 8-24); receiving the sequence of transmission frames, subsequent to receiving the message (column 4, lines 22-27). Khan differs from the claimed invention in that Khan does not disclose storing the information and processing each sequence number field. However, Drynan discloses storing information and processing each sequence number field (column 4, lines 29-36). One of ordinary skill in the art would have been motivated to incorporate storing and processing each sequence number into the communication network of Khan in order to prevent packet loss. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate storing information in

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the second device and processing each sequence number field such as the one taught by Dryan into the communication network of Khan with the motivation being that it provides system performance, thus enhancing efficiency.

Regarding claim 34, Khan teaches receiving a message at the device, the message comprising information indicating the length of a sequence number field included in each of a sequence of transmission frames (column 2, lines 24-28; column 4, lines 8-27) ; receiving the sequence of transmission frames at the device, subsequent to receiving the message (column 4, lines 22-27). Khan differs from the claimed invention in that Khan does not disclose storing the information and processing each sequence number field. However, Drynan discloses storing information and processing each sequence number field (column 4, lines 29-36). One of ordinary skill in the art would have been motivated to incorporate storing and processing each sequence number into the communication network of Khan in order to prevent packet loss. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate storing information and processing each sequence number field such as the one taught by Dryan into the communication network of Khan with the motivation being that it provides system performance, thus enhancing efficiency.

Regarding claim 35, Khan teaches that the device (transmitter, block 10 of Fig. 1) is a base station.

Regarding claim 36, Khan teaches that the device (receiver, block 20 of Fig. 1) is a mobile station.

Allowable Subject Matter

2. Claims 2-3, 8, 29-30, 32-33, 37 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4-6, 9-12,13-16,17-19,20-23 and 24-27 are allowable

The following is a statement of reasons for the indication of allowable subject matter: As to claims 4-6, the prior art of record does not teach a memory device; and a controller coupled to the receiver and the memory device, the controller for receiving the information from the receiver, storing the information in the memory device, and processing each sequence number field of the sequence of transmission frames according to the information. As to claims 9-12,13-16,17-19, 20-23 and 24-27, the prior art of record does not teach a receiver for receiving a message from the base station, the message including information indicating a maximum number of retransmission requests to be transmitted from the mobile station for a transmission frame missing from a sequence of transmission frames, the receiver further for receiving the sequence of transmission frames, subsequent to receiving the message.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The fax number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

Alexander Boakye

Patent Examiner

AB

2/19/05


CHI PHAM
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2/22/05